

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AAMCO TRANSMISSIONS, INC.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	NO. 11-4250
FRANK WIRTH and	:	
AUTO CENTER, LLC,	:	
	:	
Defendants.	:	

MEMORANDUM/ORDER

BUCKWALTER, S.J.

August 8, 2012

On August 7, 2012, a hearing was held on Plaintiff's motion for an order judging defendants in contempt of the court's orders dated October 5, 2011 and February 28, 2012.

At that hearing, the evidence established that Frank Wirth (Wirth) has been operating an automotive repair business at 2310 Walnut Street, Harrisburg, PA in disregard of those orders.

Wirth admitted as much in his testimony. He is in contempt of the court orders, aforesaid.

A prior motion for order of contempt was settled by the parties and resulted in the order of February 28, 2012, which incorporates the October 5, 2011 order, both of which have been, as found above, violated.

Although the court did discuss the possible sanctions for defendant's actions at the hearing on August 7, 2012 aforesaid, the potential serious nature of those sanctions warrants a thorough hearing at which time Wirth should be prepared to discuss his present financial status, his reasons for violating the court orders, and anything else pertinent to the court's determination of appropriate sanctions. Although not required, the court advises Wirth that the hiring of legal

counsel is important to a clear presentation of his position regarding sanctions.

Pending the hearing on sanctions, Wirth is directed to, effective August 20, 2012:

- (1) divest himself of any interest in the competing business at 2310 Walnut Street;
- (2) no longer visit the premises at 2310 Walnut Street; and
- (3) remove the exterior Aamco sign.

At the hearing scheduled below, Wirth is directed to offer proof of compliance with items 1, 2 and 3 above.

Accordingly, it is hereby **ORDERED** this 8th day of August, 2012, that Frank Wirth is adjudged in contempt of the court's orders of October 5, 2011 and February 28, 2012. A **HEARING** is scheduled for Tuesday, August 21, 2012 at 11:00 a.m. in Courtroom 14A to determine the nature of the sanctions to be imposed.

IT IS SO ORDERED.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S. J.